IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.10443 of 1998

Dated: 23-04-2007

Between:

1. V.K.Vijaya Kumaran, s/o V. Madhavan Nair and 8 others.

... Petitioners

and

1. The Special Officer & Competent Authority,
   Urban Land Ceiling, Chandravihar, Nampally,
   Hyderabad and another.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioners 1 to 9 state that they are the owners and possessors of Flat Nos.307, 203, 106, 102, 403, 402, 202, 101 and 301 respectively in Sidhardha Geetanjili Aparment, which have been constructed on the land admeasuring 1400 sq. yards situated at 8-3-224/1/A, in Ward No.8, Block No.3, Yousufguda, Hyderabad. They further state that first respondent issued notices dated 05-12-1997 to

them under Section 10(5) of the Urban Land (Ceiling & Regulation) Act, 1976 (for short, 'the Act') stating that the land in Sy.No.19 of Yousufguda village admeasuring 170.58 sq. meters held in the name of P. Sreenivasa Murthy, and their possession has been vested absolutely in the State Government free from all encumbrances with effect from 30-10-1997 under sub-section 3 of Section 10 of the Act, and ordered them to surrender/deliver possession of the said land to the Enquiry Officer within thirty days of service of notices. Assailing the said notices, they approached this Court and filed the present writ petition.

3. Having heard both the learned Counsel, this Court is of the view that petitioners approached this Court without exhausting the remedy of appeal against the impugned notices. Hence, this Court is of the view that the writ petition is premature. However, having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition giving liberty to petitioners to approach the appellate authority and file an appeal within a period of six weeks from the date of receipt of a copy of the order. Failing which it is made clear that the relief sought for is rejected.

4. Accordingly, the writ petition is disposed of. No costs.

However, having regard to the fact that this Court on 16-04-1998 while issuing *Rule nisi,* in W.P.M.P.No.12671 of 1998 granted stay of all further proceedings pursuant to the notices dated 05-12-1997 issued by first respondent pending disposal of the writ petition, it is made clear that the said order shall continue pending disposal of the proposed appeal.

JUSTICE GOPALAKRISHNA TAMADA

Dt.23-04-2007
GLV